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1 RECORD OF ORAL HEARING

2  
3 UNITED STATES PATENT AND TRADEMARK OFFICE

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5  
6 BEFORE THE BOARD OF PATENT APPEALS  
7 AND INTERFERENCES  
8

9  
10 Ex parte MARION SCOTT BRIGHT, PUSHPALATHA CHANNIKERE,  
11 BALASUBRAMANIAN GOPALAN, RAHUL JINDANI,  
12 JINRAJ DHHRUVAKUMAR JOSHIPURA, VINOD KANNOTH,  
13 JAYAKUMAR KRISHNAMURTHY, GREGROY LEE McKEE,  
14 SYLVAIN MICHEL, PENNY JEANNETTE PEACHEY-KOUNTZ,  
15 and JAMES DONALD SCOTT  
16

17  
18 Appeal 2008-2915  
19 Application 09/303,368  
20 Technology Center 3600  
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23  
24 Oral Hearing Held: January 15, 2009  
25

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29 Before HUBERT C. LORIN, ANTON W. FETTING, and BIBHU R.  
30 MOHANTY, Administrative Patent Judges  
31

32  
33 ON BEHALF OF THE APPELLANT:  
34

35  
36 ANDREW M. CALDERON  
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1 The above-entitled matter came on for hearing on Thursday, January 15,  
2 2009, at the U.S. Patent and Trademark Office, 600 Dulany Street,  
3 Alexandria, Virginia, before Victor Lindsay, Freestate Reporting, Inc.

4  
5 P R O C E E D I N G S  
6

7 MS. HALL: This is Calendar Number 39, Appeal Number 2207-  
8 2645 and attorney is Ms. Catherine Vieyra.

9 JUDGE LORIN: Good morning, Counsel.

10 MS. VIEYRA: Good morning. Ready?

11 JUDGE LORIN: You're, you're Miss Catherine Vieyra,  
12 V-I-E-Y-R-A.

13 MS. VIEYRA: Correct.

14 JUDGE LORIN: Nice to meet you.

15 MS. VIEYRA: Hi.

16 JUDGE LORIN: We have reviewed the record in Appeal Number  
17 2007-2645.

18 MS. VIEYRA: Okay.

19 JUDGE LORIN: You have 20 minutes. When you're ready, you  
20 may proceed.

21 MS. VIEYRA: Great, thank you. Okay, our first issue is that the --

22 JUDGE FETTING: Could you speak up a little bit, please?

23 MS. VIEYRA: Sure. The prior art references that the Examiner has  
24 cited, Schena and Dougherty, first of all these references do not teach a  
25 bookmark image as we recite in our claim. Our invention is a book that  
26 includes a bookmark image scanned and stored and then the URL is

1 extracted from this bookmark image and in addition, the user can visit a  
2 webpage chosen from the list of bookmarks as our specification discusses on  
3 Page 16, Line 11 to 26. MS. BEAN: Calendar Number 37, Mr. Calderon.

4 JUDGE LORIN: Good morning, Mr. Calderon.

5 MR. CALDERON: Good morning.

6 JUDGE LORIN: This is Appeal 2008-2915. We're familiar with the  
7 record. When you are ready, you may proceed; you have 20 minutes.

8 MR. CALDERON: Okay, thank you. I'll just get myself oriented  
9 here a little bit, please. Okay. Well, as you know, this is the second time  
10 this is up on appeal. We've made some additional amendments to the claim  
11 itself, and what we think is of novelty and unobviousness is the order  
12 interceptor itself which provides preprocessing.

13 In Claim No. 1 what we have here is the order processing that we're  
14 preprocessing is capable of adding, changing, and deleting electronic sales  
15 order data, and you're able to provide an audit trail of activity.

16 In Claim No. 31 what we find to be novel and unobvious is the use of  
17 the splitting itself. Now, there have been preprocessing or processing done  
18 in the past on sales order data, but the problem with that there are many  
19 disadvantages that have been shown in the art. And some of those  
20 disadvantages are that when you have this processing done, you need to do  
21 the entire data replication of your master control and configuration files.  
22 You didn't have an integration to many different systems previously. And  
23 the problem is also that when you have processing done if you have  
24 incomplete fields, you have rejections. You have things of that nature where  
25 the process or the ordering can't go through, you tend to have to take that out  
26 of the system and then manually rectify that. So, basically what ends up

1 happening without this preprocessing system is that you're actually straining  
2 the post-ordering system or the actual system that provides the ordering  
3 itself. So, if there are any errors that have occurred, basically it goes into  
4 this post-processing, it gets churned around, figures out what's happening. It  
5 realizes that there is an error, and now you have to take it back out of the  
6 system. Unfortunately when you're doing that, you're not able to be  
7 processing other sort of information or other ordering objects itself.

8         So, basically what we're doing now is we have this preprocess, and the  
9 preprocessing with this order interceptor, inherently or implicitly within the  
10 claims, you're able to have an asynchronous availability check meaning that  
11 now I have this preprocessor over here. I'm able to do information churning,  
12 I'm able to process to a certain extent the order itself. And then I'm able to  
13 now at the same time actually process orders on many different systems.  
14 One system happened to be a SAP (phonetic sp.) system itself, but the fact is  
15 that now you're able to process and preprocess at the same time.

16         Also, it's inherent in the claims that what we're doing, too, is that  
17 because we're able to change, we're able to add, we're able to delete, we  
18 don't have a flat file itself. Basically, we have an internal format that we put  
19 this into. And we're able to now take the data itself, the data segments, we're  
20 able to change specific portions of the data segments, whether again that's  
21 adding, changing, deleting, whatever it might be. And we're able to now be  
22 able to process this, whereas in a flat file system you would not be able to do  
23 such things.

24         Also with regard to Claim No. 1, we're able to now provide this  
25 activity log. The activity log is advantageous also because what it allows  
26 you to do is to see what type of changes there are. You would see whether

1 it's from a particular person, particular company. You could start running  
2 statistical analyses concerning your activities. You could even make the  
3 system better through learning algorithms and things of that nature.

4 So, with that said, we have this preprocessing. The preprocess is able  
5 to find existing sales orders, as we mentioned in the specification, schedule  
6 agreements, determine required ESO segments in fields, ESO being the  
7 electronic sales order, so that you're able to track these things. You're able  
8 to determine particular sales areas, delivery plans, duplicate/nonduplicate  
9 information. What's nice about this also is that the splitting now, getting to  
10 Claim No. 31, not only do we have the preprocessing happening, but you  
11 have the splitting. The splitting is something that is very, very unique in that  
12 you could have three, four, five different electronic sales orders. You could  
13 take a sales order and there's particular information that's in one sales order,  
14 particular sales information that's in a second sales order, and a third sales  
15 order. Some of this information in these different sales orders might  
16 overlap. So, for example, we might have a sales order that's for a particular  
17 delivery plant. Well, what we could now do is we could take these sales  
18 orders, we could take sales order 1, 2, and 3 and say it's for Plant A. And we  
19 could take those, split out the sales orders such that if sales order 1 had Plant  
20 A and B, we're only processing Plant A and we could give it to Plant A. We  
21 could do the same thing with sales order number 2, sales order number 3, so  
22 we get a great efficiency in the system such that we don't have to put all of  
23 these sales orders into one system, have that one system churn all this stuff,  
24 figure out what's going on, and then start processing it for different plants,  
25 different sales areas, whatever the segment might ultimately be. And we  
26 find that this is quite unique and quite, quite unobvious as well.

1       The Examiner was using this Johnson reference, and let me make  
2 some distinguishing points as far as the Johnson reference is concerned. The  
3 Johnson reference certainly has certain advantages. What the Johnson  
4 reference does is it has a search engine of some sort. This search engine is  
5 able to look at many different catalogs, three, four, five different catalogs at  
6 the same time, do a search by the information, and "get an order list". So  
7 basically, it's a glorified search engine whereas previous to Johnson what  
8 you had to do is look at one catalog at a time, and you might possibly even  
9 have different systems that are looking at those different catalogs whereas  
10 now, they are able to combine this.

11       Now, this is just the order itself. There's no processing being done, it  
12 is a search. And what they are able to do is because, as you can imagine,  
13 maybe a SCU number in one catalog might be different than a SCU number  
14 in a second or a third catalog, the person is able to take this search and say I  
15 want to have Widget A. And the search engine will be able to in each one of  
16 the different catalogs obtain a Widget A for the particular catalog.

17       Now once this is done, it has their order list. That order list now goes  
18 to the central, or host, system which is referenced as Reference No. 10 in  
19 Johnson, if I recall, correctly, and that is the actual requisition or processing  
20 system itself. Now, unfortunately, what ends up happening with that is,  
21 going back to my initial statement is, you're not allowed or you can't have  
22 asynchronous preprocessing and processing done because everything is done  
23 on that same system. You also have the problem with your errors, so if there  
24 are any errors again that have passed through the system, those errors have  
25 to be taken out once again. They have to be manually compiled and they  
26 have to then be put back into the system. Unfortunately, this is done at such

1 a late processing stage that you're already well into the system where a lot of  
2 resources have been used up. Whereas what we have here is doing this prior  
3 to any processing of the actual order. I'm able to again take the order that's  
4 already on an ordering system, process that knowing that that order is in  
5 perfect order because I have already done preprocessing. I already have, as  
6 we have in some of the claims, a workbench capability where I could apply  
7 certain rules, business rules. I could find whether there are rejects. I could  
8 find whether there are some errors whatever it might be. I'm able to fix  
9 those errors while processing is still occurring over here.

10 The second thing is with the Johnson reference we don't see any  
11 splitting occurring in there. And, again, the splitting is kind of a neat thing  
12 because (1) you don't have the flat file anymore. You have a file in which  
13 you are now able to discern certain information from certain sales orders.  
14 And you are able to immediately direct it to the certain processing that it  
15 needs to be or post-processing for that order, again, whether it's in Plant A,  
16 area A, for Product B, whatever it might happen to be. But we're able to do  
17 that prior to anything happening with the actual post-processing. So,  
18 Johnson is not capable of doing that, Johnson is not capable of splitting the  
19 order. They're capable of processing the orders, there's no doubt about that.  
20 Johnson in the front end, which is different than our preprocessing, has their  
21 search capabilities to search many different catalogs which is a nice thing to  
22 do. But, again, that is just a flat sort of a file which then provides that  
23 information over to the processing system. Also, that doesn't allow you for  
24 the asynchronous availability check to see whether, in fact, you're able to --  
25 you have these sales to be available, whether you have the orders or  
26 whatever it might be available in the processing system itself. So, we have



1 some nice different things that are happening that just aren't happening in the  
2 Johnson.

3 The Examiner also mentions, and I think this is on page number 4 of  
4 his Office Action, that the use of a log message is equivalent to our audit  
5 trail of activity. We don't read that -- I think it's in column number 15 in the  
6 Johnson reference. Basically, that's just the log of messages of where I  
7 could put in a message or whatever it might be and I have a log of that  
8 message, and, again, it's sort of a flat file. Whereas, we have an actual audit  
9 trail of activity that has occurred, that meaning that if there are any changes,  
10 additions, deletions, that's our audit trail itself, whereas their log is not  
11 necessarily an audit trail. It's just a diary of some sort, let's say, where you  
12 could put messages --

13 JUDGE MOHANTY: What's the difference between an audit trail  
14 and a diary, I mean other than the fact that the audit trail documents what  
15 changes occurred?

16 MR. CALDERON: Well, I, I think the, the nice thing about ours is  
17 that it is, in fact, the things that have been changing. It's not a simple note  
18 that you're writing into it and saying okay, I'll leave a message saying that I  
19 can't find X or I looked for Y or whatever it might be. Ours is, and  
20 potentially can be used, for statistical analysis learning purposes with an  
21 audit trail of all the changes, adds, and deletions to make the system that  
22 much more efficient. And so now I can see a true history of what happened  
23 through not only your transaction, or a third-person transaction, or a fourth-  
24 person transaction. So, I could see this entirety of the changes itself. And  
25 the nice -- well, the, the way that this is able to be done is that we have the  
26 order interceptor which is not a flat file.

1 JUDGE MOHANTY: I don't see in, in the claim any distinction about  
2 a flat file or any other kind of file.

3 MR. CALDERON: You are absolutely correct about that. It is not in  
4 the claim, but when you're reading the specification and you're interpreting  
5 the preprocessing itself using the order interceptor, there's no other way to  
6 do this but not to have the flat file. We have to have some information  
7 where we're able to add, change, and delete the electronic data itself, and  
8 these are data segments. And with a flat file, you would not be able to do  
9 such a thing. With a flat file, you would not be able to as easily be able to  
10 do the  
11 asynchronous -- excuse me, the availability check as well. And we're also  
12 not able to then do --

13 JUDGE MOHANTY: I'm having trouble understanding why just  
14 because you have a flat file you can't add, change, or delete. I mean flat files  
15 have been around since the dawn of creation in database management, and  
16 people have been adding, changing, deleting as flat files all the while. What  
17 is it about a flat file that makes you believe that you can't do that?

18 MR. CALDERON: According to our specification, we're, we're not  
19 using the flat file because in the system that we have -- whereas, if you had a  
20 singular database, that could be a flat file because you're using it for a single  
21 system. Ours is an integration of many different systems. So, in actuality,  
22 and we have some of this in our dependent claims, is that we have an  
23 internal translator. We translate our stuff in order so that it could be more  
24 efficient and so that it can interface with other post-processing systems.  
25 Whereas, in Johnson, for example, they have the -- I think it's called the  
26 Fischer system, it is a particular system, and I think it's designated as

1 Reference Numeral 40, that that is the only system that they're concerned  
2 with. So they might take a whole bunch of different catalogs and they might  
3 take that and make a database out of that, which is a flat file, put that into a  
4 singular system of the host system which is 10 or Fischer 40/40. Whereas,  
5 what we're trying to do here is say hey, we're able to do a preprocessing such  
6 that it is compatible with any other system out there. One of the systems  
7 happens to be a SAP system --

8 JUDGE MOHANTY: But then all Claim 1 says is preprocessing, it  
9 doesn't say that it's compatible with any other system. It just says  
10 preprocessing.

11 MR. CALDERON: Yes, it says that --

12 JUDGE MOHANTY: As long as you have one process that, that  
13 proceeds another, that would seem that the first is a preprocessing step.

14 MR. CALDERON: It, it is a preprocessing step, again, capable to  
15 adding, changing, and deleting the sales data so that we could provide the  
16 audit trail. In, in Johnson, again, with all due respect, it seems like what  
17 they're doing is logging in messages of some sort. And, again, it seems to  
18 be, from my interpretation of flat file, where that is able to just be put into a  
19 system in order to do the ordering itself. They're not changing --

20 JUDGE MOHANTY: Okay, so one does precede the other even in  
21 Johnson?

22 MR. CALDERON: Yes. What -- absolutely. You, you have -- in my  
23 interpretation of Johnson, you do have two separate systems it seems like.  
24 You have a system that does this searching and it provides you with an order  
25 list. So, it says to you I have Item A, B, C, and D, and it found these  
26 through catalogs 1, 2, and 5. And then it takes that and says to the system

1 here's my order, you do what you have to do with this. Unfortunately, if  
2 there are any errors that have occurred, there are any rejects that might be  
3 there, there is inefficiencies in that 1, 3, and 8 are for -- that being the order  
4 1, 3, and 8, are for Plant A and 2, 3, and 5 are for Plants C, whatever it might  
5 be, you cannot be able to asynchronously process this. You cannot go ahead  
6 and be able to -- if there are errors be able to discern what those errors are  
7 prior to it going to the processing system such as we have with our  
8 workbench, our translator, our asynchronous which we do mention in some  
9 of the independent claims.

10 JUDGE MOHANTY: Why wouldn't the log messages clue someone  
11 into what's happened between the two processes?

12 MR. CALDERON: I think the, the way that I am interpreting the, the  
13 log messages is that's something that me, I'm putting into the system. It's not  
14 something where it is automating a trail of processes itself, and I think that's  
15 at column number 15, if I remember correctly. So, that's the, the way that I  
16 interpret that. And also, not only do we have the audit trail of activity, but  
17 we're capable of adding, changing, and deleting these electronic sales order  
18 data. Whereas, if anything, the search engine appears to be able to add,  
19 delete the order list, the actual order, but it's not able to change the sales  
20 order data. So, we could have certain segments, and here's a segment for  
21 example. Andrew Calderon goes ahead and buys Product A. Here's the  
22 SCU number, here's the data that I want it for purchase, and I give the date,  
23 for example, in 2008 sometime. I give my wrong name, I give my wrong  
24 purchase number. All these are data segments. In the Johnson reference,  
25 none of that is there. What is there in Johnson in the search is I want  
26 Product A and then go ahead and send it to the requisition processing

1 system. In my system, it says oh, wait, wait, wait. Andrew Calderon has a  
2 SCU number of this and his identification is that. Well, his identification  
3 and his, his name don't match. Let's go to the workbench, there's an error.  
4 I'm never going to get to the requisition system for them to strain and use  
5 their resources in, in light of them not then being able to do other things that  
6 are correct.

7 JUDGE MOHANTY: And where is that in the claim?

8 MR. CALDERON: Again, that is the actual order processor -- excuse  
9 me, the order interceptor that does the preprocessing and what we define in  
10 the specifications, many of these preprocessing. And we've gone through a  
11 whole litany of those things, for example, finding the existing sales order,  
12 schedule agreements that you might have, determining sales areas. And  
13 sales areas might be very pertinent to, for example, the splitting aspect that  
14 we're able to do which, again, the Johnson isn't able to do. Determine  
15 delivery plant, again, that goes to a splitting aspect of it. Duplicate and  
16 validate sales orders, well, maybe I hit the button twice by accident. In that  
17 case, my preprocessing is going to come back and say hey, you hit this  
18 twice, there's probably a problem. You get your workbench to come up, it  
19 translates this --

20 JUDGE MOHANTY: So, you're providing examples, but none of  
21 these examples are necessarily in the claim itself?

22 MR. CALDERON: That is, that is correct. They are the  
23 preprocessing itself, and so what I would say is that the preprocessing, in  
24 view of the specification, we give clear examples of how to interpret the  
25 preprocessing as well as the splitting.

1 JUDGE MOHANTY: We're, we're running a little bit low on time.  
2 That's one question I would like to follow up on --

3 MR. CALDERON: Yes.

4 JUDGE MOHANTY: -- and you, you had, you had used a word I  
5 don't see in the claim. You used the word all in saying -- in describing the  
6 changes to the order that are logged, and I don't see the word all. It says  
7 wherein changes to an electronic sales orders, it would seem that as long as  
8 at least more than one change is logged by Johnson that would be sufficient  
9 to read on that particular limitation. And Johnson does seem to log where --  
10 or on a master or blanket order in which a local computer tracks the amount  
11 of purchases against the blanket the products that have limited access. So, it  
12 would seem that so long as -- since Johnson is tracking changes that are  
13 occurring against a blanket or cumulative amount, Johnson is tracking at  
14 least some changes to an electronic sales order and which would seem to  
15 provide an audit trail. At least as to those changes. Again, I don't see the  
16 word all or anything that suggests that all of the changes are included.

17 MR. CALDERON: And, and could you direct me to where I've  
18 mentioned that? Is that in my brief or in the claim or --

19 JUDGE MOHANTY: The claim -- I'm reading from Claim 1, I don't  
20 see the word all in front of the word changes.

21 MR. CALDERON: Okay --

22 JUDGE MOHANTY: This is, I guess, the fifth line down, wherein  
23 changes to an electronic sales order --

24 MR. CALDERON: Be capable of adding, changing, and deleting  
25 sales order data, is that, is that where you're referring to?

26 JUDGE MOHANTY: Yeah.

1           MR. CALDERON: Okay, and then -- excuse me, your question was  
2 then?

3           JUDGE LORIN: Judge Fetting [sic, Mohanty] was looking at  
4 Johnson and the Examiner didn't follow up, but after column 15, line 60 to  
5 62, there's a list of the types of reasons messages would be logged. And  
6 Judge Fetting [sic, Mohanty] is talking about number 4, the fourth reason for  
7 creating a log which states that the local computer can track the amount of  
8 purchases against a blanket --

9           MR. CALDERON: Well, again, when you look at the -- these are  
10 actual messages that will be logged, and I don't necessarily know whether  
11 that is the activities where we have again the order interceptor capable of  
12 changing all these things. And I think the electronic sourcing system, you're  
13 already at that particular point in the System 40, which is the host system,  
14 which is not a preprocessing system. That is the actual order processing  
15 system at that stage. So, again, you're not getting the same advantages that  
16 you're getting as doing this prior to the processing of the order on that host  
17 system or the RIM System 40. The RIM System 40, from my recollection,  
18 and the host system are the same, that's the requisition system itself.

19          JUDGE LORIN: Okay, that, that raises a question I have for you.  
20 I've gone back in the record going to the original decision in the prior  
21 appeal, and I haven't been able to understand exactly what your position is as  
22 to -- what is the preprocessing operation in Johnson and what is the  
23 processing operation? And if, if you can answer that, could you also explain  
24 what you think the examiner and what the prior panel believed Johnson was  
25 saying about the preprocessing and processing operations?

1 MR. CALDERON: If I had to interpret a preprocessing and a  
2 processing in Johnson, my interpretation would be their preprocessing is  
3 their search. It's going out there and taking all these many different catalogs  
4 itself, and providing you with what they call is an order list. And then the  
5 processing itself is putting that all on to the requisitional host system itself  
6 and then churning all this information at that particular time.

7 JUDGE LORIN: Okay, let me stop you there. Now, your claim states  
8 that you have an order interceptor receiving and preprocessing electronic  
9 sales order data. What, what is it, what is it that in Johnson shows that?

10 MR. CALDERON: I don't think that there is anything that shows the  
11 order interceptor. I think it goes directly from an order itself to the  
12 requisitioning System 40 on the host System 10. I don't think that there --  
13 from my interpretation of reading Johnson, I don't see that there's this  
14 intermediate step. And what the examiner from my understanding is saying  
15 is hey, so you have a preprocessing and a processing. It would be obvious to  
16 separate these, therefore, that's why he gave me the 103, and it seems like  
17 from my understanding, I don't think it was perfectly clear, but my  
18 understanding is that the requisition system over here, 40 on the host system  
19 10, is able to do both of those things. Therefore, who cares that you  
20 separated them out.

21 JUDGE LORIN: Okay, okay, so now this is a little different now.  
22 Now what you're saying is from the Examiner's point of view is to  
23 requisition, is to, is to requisition a, an element of Johnson that's being  
24 viewed as having preprocessing operation as well as the processing  
25 operation.

26 MR. CALDERON: I think that's his --



1 JUDGE LORIN: It's not the search, it's not the search --

2 MR. CALDERON: No, I don't think, I don't think it's the search per  
3 se. I do think it's, it's the -- as he's interpreting it, it is the, is the --

4 JUDGE LORIN: Requisition --

5 MR. CALDERON: -- requisition system --

6 JUDGE LORIN: -- which is after the, which is after the order list has  
7 been formulated --

8 MR. CALDERON: Yes.

9 JUDGE LORIN: -- after, after the order list has been formed, that is  
10 what the Examiner has considered in the, the electronic sales order data.

11 MR. CALDERON: I, I think that that's accurate, although I think that  
12 if you're going to say a preprocessor and a processor in Johnson -- my  
13 interpretation would be is the search is sort of the preprocessing because  
14 that's gathering your order information there and then it's handing it off to  
15 something which is the requisition system that can't do the same things  
16 functionally that we're doing and provide the same advantages. Everybody  
17 knows that there are requisitions, requisition systems out there. There's no  
18 denying it, there's no doubt about that. The issue, though, is why do we  
19 need an order interceptor. Well, you need the order interceptor so that you  
20 can free up your resources on your processor and you can do a whole bunch  
21 of neat things like determine that there are errors so don't send it to them, do  
22 a reject. If there are errors or a reject, you're able to fix them before it uses  
23 those resources. And you're able to do this asynchronously.

24 JUDGE LORIN: Well, I understand that. I understand your point on  
25 what your objective is. My question is you have the requisition unit in

1 Johnson. Within that unit, they take the order list, and then from that order  
2 list they will then, they will then requisition the items on the order list.

3 MR. CALDERON: Yes, but for, if I may -- but for two things. One  
4 is at that stage there's no adding, changing, or deleting it because you're  
5 doing that --

6 JUDGE LORIN: Okay, let me stop you, let me stop you there,  
7 counselor. Let me stop you there because that goes to this, that goes to this  
8 disclosure at column 15, line 60 to 62. My understanding that this passage  
9 which discusses logging messages returned from the inventory sourcing  
10 program, that, that particular capability to log messages is a description of  
11 what is occurring in the requisition module after the order list has been  
12 received.

13 MR. CALDERON: Okay.

14 JUDGE LORIN: Which would correspond to your interceptor.

15 MR. CALDERON: Okay, I, I understand your position. I understand  
16 that.

17 JUDGE LORIN: Okay, now I understand that the Examiner did not  
18 continue and direct you to the rest of that disclosure because it goes on to  
19 say messages will be logged for any of the following reasons: No. 1, part  
20 number changes from line sent to ESCP program 80. That's just one, one  
21 reason. I think the Examiner is saying, had the Examiner continued to direct  
22 your attention to this disclosure, that within the requisitioning module, that  
23 part involving the processing of the order list which would be -- which  
24 would correspond to your order interceptor, changes can be made including  
25 changes to the part number.

1 MR. CALDERON: With, with all due respect, I understand your  
2 position --

3 JUDGE LORIN: Now, my -- I want to continue --

4 MR. CALDERON: Sorry, yes.

5 JUDGE LORIN: -- why would not one of ordinary skill reading this,  
6 why would they -- why would one not be led to what you claim? And what  
7 you claim is -- specifically, what you claim in an order interceptor having a  
8 capability of adding, changing, deleting where the changes are logged to a,  
9 an audit trail activity. Why would that part of the requisition module of  
10 Johnson not have the capability you're claiming?

11 MR. CALDERON: I think you bring up some very good points. The  
12 first thing is that these messages are logged saying that there are some  
13 problems possibly, but I don't think that this passage stands for the fact that  
14 they're able to at this stage do the changes itself. The second thing is that  
15 when you look at it in the totality, we also have some additional subject --  
16 additional recited subject matter here which says that you have an interface  
17 system receiving the electronic sales order data from that and performing  
18 this availability check so that it determines whether portions of the electronic  
19 sales data order can be satisfied. Again, everything is being done way down  
20 the line on the order -- excuse me, on Johnson. It's being done at a very late  
21 stage where, again, I'm using these resources. I don't have that  
22 asynchronous capabilities to say again look, I have the order intercept. I've  
23 done some changes. I've processed some things. I've done some cool  
24 things. I sent it to the workbench. I've split it out as far as Claim No. 31,  
25 and now I've sent something perfect to here, which is now their requisition  
26 system, to go ahead and process the order in the appropriate manner without

1 utilizing all of their resources that they have to utilize. And the other thing  
2 is, and I don't think it's explicitly stated in here, but just from my overall  
3 understanding of knowing our art, reading our specifications, is that one of  
4 the disadvantages that might occur in the Johnson is, as I started off with, if  
5 you log in these messages at that stage, what now happens is you have to  
6 take all of that stuff out. You have to manually manipulate it to get it correct  
7 to put it back in once again. So, again, you're utilizing all those additional  
8 resources which our system would bypass.

9 JUDGE LORIN: Okay, thank you, counsel. Any questions? Thank  
10 you.

11 MR. CALDERON: Thank you.

12 (Whereupon, the hearing concluded on January 15, 2009.)